REMARKS

The present Amendment is in response to the Examiner's Final Office Action mailed October 31, 2007. Claims 11-28 are cancelled, claims 1 and 29 are amended, and new claims 38-47 are added. Claims 1-10 and 29-47 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

I.   PRIOR ART REJECTIONS

A.   Rejection Under 35 U.S.C. §102(b)

The Examiner rejects claims 1-10 and 29-37 under 35 U.S.C. § 102(b) as being anticipated by *Rodgers et al.* (United States Patent No. 6,493,650). The Applicant respectfully traverses this rejection because *Rogers* does not teach each and every element of the rejected claims.

A claim is anticipated under 35 U.S.C. § 102 (b) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Further, the identical invention must be shown in as complete detail as is contained in the claim. Finally, the elements must be arranged as required by the claim. *Manual of Patent Examining Procedure ("MPEP") § 2131.*

Independent claim 1 has been amended to clarify that the claimed CAD module is "configured to model the physical site while sending control commands to the survey

measurement device...." As previously explained, *Rodgers* discloses a device for automatic documentation of crash scenes that uses a commercial, off-the-shelf CAD program. According to *Rodgers* the process includes three sequential and distinct steps, (1) measuring and collecting data, (2) transferring the data, and (3) processing the data using the CAD program. According to *Rodgers*:

> When <u>all</u> the previously entered vehicles and elements have been measured, the user will be given the option to add other elements, delete elements and measurements, or to <u>end the measurement process</u>.

> The user next would be prompted to <u>connect</u> **[thus previously unconnected]** the reference unit's serial port to the pen computer's serial port and begin the data transfer. Upon <u>completing</u> the transfer, the user is prompted to <u>disconnect</u> the reference unit. Then they are asked of they want to start data processing or store the data for later processing....

> <u>When the documentation process is begun, the CAD program will be called</u>. ....

Col. 10, lines 26-45 (emphasis added). Thus, *Rodgers* teaches sequential distinct steps of measurement and only after all of the measurements are taken is the CAD program called.

In direct contrast, claim 1 requires that the CAD program be "configured to model the physical site <u>while</u> sending control commands to the survey measurement device...." (Emphasis added). Thus, Rodgers does not teach this element of claim 1. Since *Rodgers* does not teach the system being claimed in this application, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) be withdrawn.

Claims 2-10 and 30-35 depend from claim 1. Therefore, the Applicant respectfully requests that the rejections of claims 2-10 and 30-35 be withdrawn for at least the same reasons as claim 1.

Claim 29, as amended, includes the element, "the CAD module commanding the survey measurement device to indicate a location of the feature...." (Emphasis added). *Rodgers* discloses, the "real-time system would <u>guide the user</u> to points that when marked, provide the desired full size outline." Col. 9, lines 11-13 (emphasis added). *Rodgers* does not, however disclose that <u>a CAD module commands "a survey measurement device</u> to indicate a location of the feature..." as required by claim 29. (Emphasis added). Therefore, the Applicant respectfully

requests that the rejection of claim 29 be withdrawn since *Rodgers* does not teach each and every element of claim 29.

Claims 36 and 37 depend from claim 29. Therefore, the Applicant respectfully request that the rejection of claims 36 and 37 be withdrawn for at least the same reasons as claim 29.

II.   NEW CLAIMS

Claims 38-47 have been added and are believed to be allowable over the art of record.

CONCLUSION

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 31st day of December, 2007.

Respectfully submitted,

/David A. Jones/ Reg. 50,004
DAVID A. JONES
Registration No. 50,004
Attorney for Applicant
Customer No. 057137

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